



December 7, 2004

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 03-103
Ex Parte Submission

Dear Ms. Dortch:

AirCell, Inc. ("AirCell") submits this letter to respond to the November 29, 2004 letter filed in the above-referenced docket by the Association of Public-Safety Communications Officials International, Inc. ("APCO"). In its letter, APCO requests that the Commission impose obligations on air-to-ground ("ATG") licensees to protect adjacent band public safety licensees to the same thresholds as established in the Commission's recent *800 MHz Order* (FCC 04-168) in WT Docket No. 02-55. Specifically, new rule section 90.672 establishes thresholds for unacceptable interference at -104 dBm for mobile units and -101 dBm for portable units.

AirCell supports the adoption of these interference threshold levels for the ATG band and hereby confirms that the such protection levels are readily achievable under the AirCell/Boeing ATG licensing proposal. Nextel, which has carefully evaluated the potential for interference from ATG out-of-band emissions ("OOBE") to adjacent band licensees, concluded in a December 3, 2004 *ex parte* that "the AirCell/Boeing approach is unlikely to cause harmful interference to adjacent-band operations."

AirCell notes that, in addition to APCO and Nextel, other parties, including CTIA, Motorola and the Association of American Railroads, have filed comments to express concerns regarding the interference potential from ATG OOBE. AirCell's ability and commitment to satisfy the -104 and -101 dBm thresholds should alleviate any concerns by these parties with regard to the AirCell/Boeing proposal.

Although AirCell agrees that it is appropriate to apply the new section 90.672 interference thresholds to the ATG band, AirCell does *not* believe that the specific interference abatement and resolution procedures established in the *800 MHz Order* would be appropriate here. As Nextel has noted, these procedures were developed, on the basis of an extensive record, as part of a carefully balanced framework for equitably assigning responsibility for interference among the 800 MHz services at issue in that proceeding. Because the specific characteristics of ATG service were not considered as part of that docket, the resulting rules cannot and should not be imported wholesale and applied to the ATG context.

Respectfully submitted,

/s/ William J. Gordon

William J. Gordon
VP, Regulatory Affairs